

## REMARKS

### I. Administrative Overview

Claims 1–3, 5, 6, 8, 9, 11, 12, and 14–16 were presented for examination. In the Office action mailed on April 10, 2003, the claims are rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,447,565 to Daswani et al. (“*Daswani*”) and U.S. Patent No. 6,141,005 to Hetherington et al. (“*Hetherington*”).

Robert Tosti and the undersigned attorney thank the Examiner for his time and courtesy extended during the telephonic interview on July 17, 2003, during which the Office action was discussed.

The Applicants amend claims 1, 3, 5, 8, 9, 11, 14, and 15, cancel claim 2 without prejudice, traverse the rejections, and respectfully request reconsideration. No new matter has been introduced.

### II. Independent Claim 14 is Not Obvious Over *Daswani* and *Hetherington*

Amended independent claim 14 recites a method of controlling a process. *Daswani* describes an information delivery service, and *Hetherington* describes a calendaring system. Neither *Daswani* nor *Hetherington* teaches or suggests all of the elements of amended independent claim 14. *Daswani* does not teach or suggest providing or operating an interactive control software object that provides an interactive graphical human-machine interface when operating on a handheld portable computing device. In addition, *Daswani* fails to teach or suggest exchanging information between a computer and a handheld portable computing device to control at least one parameter of a process. *Hetherington* does not teach or suggest the use of a handheld portable computing device at all.

The only thing that *Daswani* describes as being generated on a computer and later being used by a handheld portable computing device is an “information record.” Col. 3, lns. 11–12. In contrast to the method recited in amended claim 14, *Daswani* describes a system wherein “Internet-based data [are] accessed, restructured, and then transmitted to a wide variety of network-capable appliances...in a form that the receiving device may display using an existing

application on the device.” Col. 5, lines. 5–10. In contrast, amended claim 14 recites an interactive control software object that operates on a handheld portable computing device to provide an interactive graphical human-machine interface on the handheld portable computing device that can be used to control at least one parameter of a process. An example of an interactive control software object is an ActiveX control object. Specification at page 22. *Daswani*’s information records do not provide an interactive graphical human-machine interface when operating on a handheld portable computing device. *Daswani*’s information records do not operate, they are only displayed. Col. 5, lns. 8–10.

Amended independent claim 14 also recites “exchanging information between the computer and handheld portable computing device so as to control a parameter of the process by use of the interactive human-machine interface provided by operation of the object on the handheld portable computing device.” *Daswani* does not describe such a step. *Daswani* only describes requesting, receiving, and displaying information records. On page 31 of the Applicants’ specification, the Applicants describe one example in which an interactive control software object operates on the handheld portable computing device to allow a user of the device to interactively control a production process being carried out in a factory.

The Applicants submit that one of ordinary skill would not have been motivated to combine *Daswani* and *Hetherington*. *Daswani* teaches away from such a combination, and *Hetherington* provides no motivation or suggestion otherwise. It is improper to combine references where one of the references teaches away from their combination. MPEP § 2145(X)(D)(2).

*Hetherington* describes a graphical calendaring program operating on a network. The calendaring program is described as being developed using JAVA™ applets, col. 8 lns. 25–32, that operate on “an endpoint computer [that] preferably includes a Web browser such as Netscape Navigator or Microsoft Internet Explorer.” *Daswani*, however, teaches away from using Internet browsers on handheld devices to display transmitted information. Col. 2, lns. 14–17. *Daswani*’s system “transforms [a] record from the first form to a second form specific to an application other than an Internet browser.” Col. 3, lns. 19–21. According to *Daswani*, “HTML or XML-scripted content is largely unsuitable for transmission...to small portable devices.” Col. 2, lns 14–16. Since *Daswani* teaches away from using a browser and *Hetherington* encourages the use

of a browser, one of ordinary skill would not have been motivated to combine these two references.

Amended independent claim 14 is not obvious in light of *Daswani* and *Hetherington*. Since claims 15 and 16 depend from amended independent claim 14, the Applicants submit that claims 14-16 are patentable.

### III. Independent Claims 1 and 8 are Not Obvious Over *Daswani* and *Hetherington*

Amended independent claims 1 and 8 are not obvious in light of *Daswani* and *Hetherington*. First, as described above with respect to amended independent claim 14, one of ordinary skill would not have been motivated to combine these two references.

Also, amended independent claim 1 recites “simulating on the computer the operation of the interactive control software object on the handheld portable computing device.” Similarly, amended independent claim 8 recites “a module that operates on the computer to simulate the operation of the interactive control software object on the handheld portable computing device.” Neither *Daswani* nor *Hetherington* describes the simulation of the operation of anything, much less the simulation of an interactive control software object as claimed. As neither *Daswani* nor *Hetherington* teaches or suggests at least the simulation aspect of amended independent claims 1 and 8, the combination of *Daswani* and *Hetherington* could not possibly have resulted in the method or the program of amended claim 1 or 8, respectively. Since claims 3, 5, 6, 9, 11, and 12 depend from amended independent claim 1 or 8, the Applicants submit that claims 1, 3, 5, 6, 8, 9, 11, and 12 are patentable.

CONCLUSION

In view of the foregoing, the Applicants submit that all of the pending claims are in condition for allowance. Accordingly, the Applicants request reconsideration, withdrawal of all grounds of rejection, and allowance of all of the pending claims in due course.

If the Examiner believes that a telephone conversation with the Applicants' attorney would be helpful in expediting the allowance of this application, the Examiner is invited to call the undersigned attorney at the number identified below.

Respectfully submitted,

  
Edward A. Gordon (Reg. No. 54, 130)  
Attorney for Applicants  
Testa, Hurwitz, & Thibeault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110

Date: September 10, 2003

Tel. No.: (617) 310-8619  
Fax No.: (617) 248-7100

2659894\_1